

FISCAL NOTE

SB 71

January 17, 2007

SUMMARY OF BILL: Permits the trier of fact to infer recklessness and proximate causation in reckless driving and reckless homicide cases if the driver fell asleep while driving or drove a motor vehicle after being deprived of sleep for more than 24 hours.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$13,200 / Incarceration*

Increase Local Govt. Revenues – Not Significant

Increase Local Govt. Expenditures – Not Significant

Assumptions:

- One offender per year will serve 0.6 years (219.15 days served) for a Class D felony conviction for reckless homicide. According to the Department of Correction (DOC), the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09% per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years. No significant incarceration cost increase will occur due to population growth in this period.
- There will not be a sufficient number of Class B misdemeanor convictions for local governments to experience any significant increase in revenues or expenses.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director